
TITLE 327 WATER POLLUTION CONTROL DIVISION

NOTICE OF READOPTION
IC 13-14-9.5-1.1 NOTICE OF RULE REVIEW
LSA Document #14-190

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in [IC 13-14-9.5-1.1](#) do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also notice a public hearing before the Environmental Rules Board (board). IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

IC 13-14-9-4(a)(5) THROUGH IC 13-14-9-4(a)(7) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\) through IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. The listed rules at:

- (1) [327 IAC 2-1](#) and [327 IAC 2-1.5](#) concern water quality standards rules required under the Clean Water Act (CWA) in order for the state to have delegation for the National Pollutant Discharge Elimination System (NPDES) program;
- (2) [327 IAC 5-2](#) and [327 IAC 5-4](#) establish the basic NPDES rules and rules for special categories of dischargers required under the CWA;
- (3) [327 IAC 8-2](#), [327 IAC 8-2.1](#), and [327 IAC 8-2-12](#) establish drinking water standards, consumer confidence reporting, and the classification of public water system treatment plants and distribution systems and the examination and certification of operators for public water supply required under the Safe Drinking Water Act (SDWA) in order for the state to have delegation for conducting public water supply programs; and
- (4) [327 IAC 15-2](#) and [327 IAC 15-4](#) concern rules for the general permit program that allows a streamlined manner of permitting for categories of dischargers that are similar enough that individual permits are not needed.

The CWA is the authority for water quality standards and NPDES rules. Because of the variability of waters across the nation, the federal regulations under the CWA do not specify exact standards for the states but do require the states to establish standards that are federally reviewed and approved in order for a state to have delegation to conduct the NPDES program for the state. Indiana is a delegated state and, as such, the water quality standards and NPDES rules have been federally approved. Similarly, the SDWA is the authority for drinking water standards and public water supply programs. Indiana is a delegated state under the SDWA for programs related to public drinking water and must have rules approved by the federal government. The NPDES General Permit System rules are permissible under the CWA but are not required. However, as general permits are a simplified version of NPDES permitting for those categories of dischargers in one geographic area with the same or substantially similar types of operations with similar operational and monitoring requirements, they are an effective and efficient permitting tool desired by the various categories of dischargers for which general permits are established.

These rules are authorized under [IC 13-18-3-2\(a\)](#) and [IC 13-18-3-11](#).

LIST OF RULES

The following is a list of rules in 327 IAC that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

327 IAC 2-1-1	Applicability of rule
327 IAC 2-1-1.5	Water quality goals
327 IAC 2-1-4	Mixing zone guidelines
327 IAC 2-1-8.4	Determination of the terrestrial life cycle safe concentration (TLSC)
327 IAC 2-1-8.5	Determination of the human life cycle safe concentration (HLSC)
327 IAC 2-1-8.6	Determination of concentration providing an acceptable degree of protection to public

	health for cancer
327 IAC 2-1-8.8	Variances from water quality standards; conditions
327 IAC 2-1-11	Limited and exceptional use; designated waters
327 IAC 2-1.5-1	Applicability of rule
327 IAC 2-1.5-3	Water quality goals
327 IAC 2-1.5-7	Mixing zone guidelines
327 IAC 2-1.5-12	Determination of Tier II aquatic life values
327 IAC 2-1.5-13	Determination of bioaccumulation factors (BAFs)
327 IAC 2-1.5-14	Determination of human health criteria and values
327 IAC 2-1.5-15	Determination of wildlife criteria
327 IAC 2-1.5-19	Limited use waters and outstanding state resource waters
327 IAC 5-2-1	Purpose and scope
327 IAC 5-2-2	Requirement to have a permit
327 IAC 5-2-3	Permit application
327 IAC 5-2-4	Exclusions
327 IAC 5-2-5	Effect of permit issuance
327 IAC 5-2-6	Duration of permits and transferability of permits
327 IAC 5-2-7	Prohibitions
327 IAC 5-2-8	Conditions applicable to all permits
327 IAC 5-2-11	Considerations in the calculation and specification of effluent limitations
327 IAC 5-2-12	Schedules of compliance
327 IAC 5-2-14	Recording of monitoring results
327 IAC 5-2-16	Permit modification, revocation and reissuance, and termination
327 IAC 5-2-17	New sources and new dischargers
327 IAC 5-2-18	Basic NPDES requirements; public access to information
327 IAC 5-2-19	Transmission of information to EPA
327 IAC 5-2-20	Enforcement
327 IAC 5-2-22	Signatories to permit applications and reports
327 IAC 5-2-23	Primary industrial point source categories
327 IAC 5-4	Special NPDES Programs
327 IAC 8-2-2	Applicability of rule; modification of monitoring requirements
327 IAC 8-2-3	Analytical methods
327 IAC 8-2-5.4	Volatile organic compounds; maximum contaminant levels for community water systems and nontransient noncommunity water systems
327 IAC 8-2-7	Microbiological contaminants; maximum contaminant levels for all public water systems
327 IAC 8-2-8.1	Repeat monitoring for total coliform bacteria
327 IAC 8-2-8.3	Collection of samples for fecal coliforms or Escherichia coli (E. coli) testing
327 IAC 8-2-8.8	Monitoring requirements; systems that provide filtration treatment
327 IAC 8-2-10	Beta and photon radioactivity from manmade radionuclides; maximum contaminant levels
327 IAC 8-2-14	Reporting and record keeping requirements; systems that provide filtration
327 IAC 8-2-19	Public notification requirements pertaining to lead
327 IAC 8-2-21	Special monitoring for sodium
327 IAC 8-2-22	Special monitoring for corrosivity characteristics and lead ban
327 IAC 8-2-32	Alternate analytical techniques
327 IAC 8-2-35	Treatment techniques
327 IAC 8-2-41	Corrosion control treatment
327 IAC 8-2-47	Record keeping requirements; lead and copper
327 IAC 8-2.1	Consumer Confidence Reports
327 IAC 8-12	Classification of Community Public Water System and Nontransient Noncommunity Public Water System Treatment Plants and Distribution Systems; Examination and Certification of Operators
327 IAC 15-2	Basic NPDES General Permit Rule Requirements
327 IAC 15-4	Standard Conditions for NPDES General Permit Rules

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on specific rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions

accompany the comments. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #14-190 2014 Title 327 Rule Review
MaryAnn Stevens
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Mail Code 65-41
Indianapolis, IN 46204

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 233-8903.

(3) By electronic mail to mstevens@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than July 4, 2014. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635 or (800) 451-6027 (in Indiana).

Nancy King, Chief
Rules Development Branch
Office of Legal Counsel

[Notice of Public Hearing](#)

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An [html](#) version of this document.